IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

WEDNESDAY, THE 13TH DECEMBER 2006 / 22ND AGRAHAYANA 1928

Bail Appl..No. 7380 of 2006()

CP.84/2006 of J.M.F.C.,NILAMBUR
Crime No.327/2006 of Edakkara Police Station

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PETITIONER

K.A.MOHANAN, S/O.IYPE,
KODOKKI, NADUVILAKKARA, VADANAPALLY,
CHAVAKKADU, THRISSUR DISTRICT.

BY ADV. SRI.SHAJI P.CHALY

RESPONDENTS:

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1. STATE OF KERALA, REPRESENTED BY
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

2. SUB INSPECTOR OF POLICE,
EDAKKARA POLICE STATION, EADAKKARA,
THRISSUR DISTRICT.

BY PUBLIC PROSECUTOR SHRI. P.N. SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 13/12/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. Ramkumar, J.

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B.A.No.7380 of 2006

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Dated this the 13th day of December, 2006.

ORDER

Petitioner, who is the third accused in Crime No.327 of 2006 of Edakkara Police Station for an offence punishable under Section 56(b) of Abkari Act read with Rule 6(10)A of Abkari Shops (Disposal in Auction) Rules, 1974 for allegedly keeping open for the sale of toddy on Sree Narayana Samadhi Day, i.e. On 7.9.2006 in the toddy shop of which the petitioner is a licensee, seeks anticipatory bail.

2. Consequent on the non-appearance of the petitioner before the committal court, that is, J.F.C.M., Nilambur where the case is pending as C.P. No.84 of 2006, non-bailable warrant of arrest is pending against the petitioner. Anticipatory bail cannot be granted so as to nullify the process issued by a court of competent jurisdiction. There is no reason why the petitioner should not surrender before the Magistrate concerned and seek regular bail. Accordingly, if the petitioner surrenders before the committal court and files an application for regular bail within 10 days from today, the same shall

be considered and disposed of preferably on the same day on which it is filed after examining the explanation offered by the petitioner for his previous non-appearance.

With this direction, this petition is dismissed.

V.Ramkumar,
Judge.

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